

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Alan Doane, on January 20, 2017 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Alan Doane, Chair (R)
Rep. Seth Berglee, Vice Chair (R)
Rep. Virginia Court, Vice Chair (D)
Rep. Laurie Bishop (D)
Rep. Bob Brown (R)
Rep. Jennifer Eck (D)
Rep. Kathy Kelker (D)
Rep. Casey Knudsen (R)
Rep. Theresa Manzella (R)
Rep. Nate McConnell (D)
Rep. Shane A. Morigeau (D)
Rep. Dale Mortensen (R)
Rep. Zac Perry (D)
Rep. Matt Regier (R)
Rep. Lola Sheldon-Galloway (R)
Rep. Barry Usher (R)
Rep. Kirk Wagoner (R)

Members Excused:

Rep. Bill Harris (R)
Rep. Ellie Hill Smith (D)

Members Absent: None

Staff Present: Sara Fleming, Committee Secretary
Helen Thigpen, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 147, 1/5/2017; HB 148, 1/5/2017; HB 149, 1/5/2017
Executive Action: HB 129, HB 194, HB 206, HB 217

HEARING ON HB 147**Opening Statement by Sponsor:**

00:00:03 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 147, Requiring search warrant for gov access to electronic devices.

00:02:23 Rep. Harris joined the meeting

Proponents' Testimony:

00:10:33 SK Rossi, American Civil Liberties Union (ACLU)

00:15:41 John Finn, Lewis & Clark Library, Montana Library Association (MLA)

00:17:41 Ninette Gilbertson, Montana Library Association (MLA)

00:19:04 Tucker Finley, Montana Public Interest Research Group (MPIRG)

00:19:29 Wes Krawczyk, Self

[EXHIBIT\(juh15a01\)](#)

Opponents' Testimony:

00:21:39 Chad Parker, Department of Justice (DOJ)

00:30:50 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association(MCOPA), Montana Police Protective Association (MPPA)

Informational Testimony:

00:38:45 Dwayne Williams, Montana Department of Transportation (MDT)

Questions from Committee Members and Responses:

00:40:13 Rep. Kelker

00:41:00 Mark Murphy, MCAA, MCOPA, MPPA

00:43:22 Rep. C. Knudsen

00:43:56 Chad Parker, DOJ

00:49:43 Rep. Morigeau

00:50:07 SK Rossi, ACLU

00:52:29 Rep. Harris

00:53:26 SK Rossi, ACLU

00:53:43 Rep. Harris

00:54:53 Chad Parker, DOJ

01:02:50 Rep. Harris

01:03:23 Rep. Zolnikov

01:07:29 Rep. B. Brown

01:08:08 Dwayne Williams, MDT

01:08:54 Rep. B. Brown

01:09:22 Rep. Zolnikov

01:10:16 Rep. McConnell

01:11:56 Rep. Zolnikov

01:15:38 Rep. McConnell

01:16:08 Dwayne Williams, DOJ

01:16:48 Rep. Usher

01:17:42 Chad Parker, DOJ

01:19:52 Vice Chair Court

01:20:27 Chad Parker, DOJ

Closing by Sponsor:

01:21:48 Rep. Zolnikov

01:28:01 Recess

01:31:24 Reconvene

HEARING ON HB 148

Opening Statement by Sponsor:

01:33:54 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 148, Generally revise privacy laws.

Proponents' Testimony:

01:41:56 Ninette Gilbertson, Montana Library Association (MLA)

01:42:47 John Finn, Lewis & Clark Library, Montana Library Association (MLA)

01:43:13 SK Rossi, American Civil Liberties Union (ACLU)

01:44:00 Wes Krawczyk, Self

Opponents' Testimony:

01:44:42 Chad Parker, Department of Justice (DOJ)

01:45:37 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association(MCOPA), Montana Police Protective Association (MPPA)

Informational Testimony: None

Questions from Committee Members and Responses:

01:50:34 Rep. Usher

01:51:20 Rep. Hill Smith joined the meeting

01:52:17 Rep. Zolnikov

02:00:20 Vice Chair Court

02:01:02 Rep. Zolnikov

Closing by Sponsor:

02:03:17 Rep. Zolnikov

02:04:02 Recess

02:06:17 Reconvene

HEARING ON HB 149

Opening Statement by Sponsor:

02:06:23 Rep. Daniel Zolnikov (R), HD 45, opened the hearing on HB 149, Revise privacy laws regarding license plate scanners.

Proponents' Testimony:

02:13:34 Spook Stang, Motor Carriers Montana (MCM)

02:15:39 SK Rossi, American Civil Liberties Union (ACLU)

Opponents' Testimony:

02:18:00 Brian Lockerby, Department of Justice (DOJ)
 02:22:38 Mark Murphy, Montana County Attorneys Association (MCAA), Montana Chiefs of Police Association(MCOPA), Montana Police Protective Association (MPPA)

Informational Testimony: None**Questions from Committee Members and Responses:**

02:29:54 Rep. Kelker
 02:31:13 Rep. Zolnikov
 02:36:51 Rep. Morigeau
 02:37:20 Rep. Zolnikov
 02:38:40 Rep. Usher
 02:39:13 Rep. Zolnikov
 02:43:08 Rep. Sheldon-Galloway
 02:43:37 Rep. Zolnikov
 02:44:28 Rep. McConnell
 02:45:08 SK Rossi, ACLU
 02:45:16 Rep. Usher
 02:45:50 Brian Lockerby, DOJ

Closing by Sponsor:

02:46:39 Rep. Zolnikov

 02:49:11 Recess
 02:58:59 Reconvene

Committee Business:

02:59:57 Chair Doane
 03:00:08 Rep. Wagoner
 03:00:24 Helen Thigpen, Legislative Services Division, (LSD)
 03:01:23 Chair Doane

EXECUTIVE ACTION ON HB 129

03:01:41 **Motion:** Rep. Berglee moved that **HB 129 DO PASS.**

Discussion:

03:01:52 Helen Thigpen, Legislative Services Division (LSD)

03:02:20 **Motion:** Rep. C. Knudsen moved that **HB 129 BE AMENDED.**

[**EXHIBIT\(juh15a02\)**](#)

Discussion:

03:02:34 Helen Thigpen, LSD
 03:02:50 Rep. C. Knudsen
 03:03:29 Rep. Hill Smith

03:04:06 **Vote:** Motion carried unanimously by voice vote.

03:04:19 **Motion:** Rep. Berglee moved that **HB 129 DO PASS AS AMENDED.**

03:04:24 **Motion:** Rep. Wagoner moved that **HB 129 BE AMENDED.**
[EXHIBIT\(juh15a03\)](#)

Discussion:

03:04:35 Helen Thigpen, LSD

03:05:17 **Vote:** Motion carried unanimously by voice vote.

03:05:36 **Motion:** Rep. Berglee moved that **HB 129 DO PASS AS AMENDED.**

Discussion:

03:05:42 Rep. Hill Smith

03:06:40 Rep. Wagoner

03:07:17 **Substitute Motion:** Rep. Berglee moved that **HB 129 BE TABLED.**

Discussion:

03:07:19 Chair Doane

03:08:00 **Vote:** Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 194

03:08:27 **Motion:** Rep. Berglee moved that **HB 194 DO PASS.**

Discussion:

03:08:38 Helen Thigpen, LSD

03:08:57 Rep. C. Knudsen

03:09:50 Rep. Usher

03:10:38 Rep. Eck

03:11:22 Rep. Kelker

03:11:53 Rep. Manzella

03:12:19 Rep. Morigeau

03:13:46 Rep. Wagoner

03:15:29 Rep. B. Brown

03:15:50 Rep. McConnell

03:17:03 Rep. Usher

03:18:33 Vice Chair Berglee

03:20:25 Rep. Kelker

03:20:58 Rep. Harris

03:21:30 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court, Rep. Eck, Rep. Hill Smith, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry and Rep. Sheldon-Galloway voting no.

EXECUTIVE ACTION ON HB 206

03:23:23 **Motion:** Rep. Berglee moved that **HB 206 DO PASS.**

Discussion:

03:23:31 Helen Thigpen, LSD

03:17:13 **Motion:** Rep. Doane moved that **HB 206 BE AMENDED.**
EXHIBIT(juh15a04)

Discussion:

03:24:41 Helen Thigpen, LSD

03:25:12 Chair Doane

03:25:18 Helen Thigpen, LSD

03:25:49 Rep. McConnell

03:26:12 Helen Thigpen, LSD

03:26:36 Rep. McConnell

03:26:47 Chair Doane

03:27:19 Helen Thigpen, LSD

03:27:47 Rep. Kelker

03:28:42 Rep. Hill Smith

03:28:52 Rep. McConnell

03:30:04 Chair Doane

03:30:17 Rep. McConnell

03:31:02 **Vote:** Motion carried 10-9 by roll call vote with Rep. Bishop, Rep. Court,
Rep. Eck, Rep. Harris, Rep. Kelker, Rep. McConnell, Rep. Morigeau, Rep. Perry
and Rep. Sheldon-Galloway voting no.

03:32:25 **Motion:** Rep. Berglee moved that **HB 206 DO PASS AS AMENDED.**

Discussion:

03:32:46 Rep. McConnell

03:32:56 Helen Thigpen, LSD

03:33:16 Chair Doane

03:33:20 Rep. McConnell

03:33:25 Rep. Usher

03:33:45 Helen Thigpen, LSD

03:33:56 Rep. Usher

03:34:05 Helen Thigpen, LSD

03:34:28 Chair Doane

03:34:52 Rep. Usher

03:34:56 Rep. Hill Smith

03:35:16 Rep. Harris

03:37:16 Chair Doane

03:37:27 Lynn Zanto, Montana Department of Transportation (MDT)

03:38:36 Rep. McConnell

03:39:03 Lynn Zanto, MDT

03:39:24 Vice Chair Court

03:40:14 Lynn Zanto, MDT

03:40:56 Chair Doane
 03:41:06 Rep. Wagoner
 03:41:22 Lynn Zanto, MDT
 03:41:40 Rep. C. Knudsen
 03:42:14 Rep. Eck
 03:43:01 Rep. Morigeau
 03:44:04 Rep. Hill Smith
 03:46:04 Rep. B. Brown
 03:46:18 Chair Doane
 03:46:39 Rep. McConnell
 03:47:04 Rep. Berglee
 03:47:26 Chair Doane

03:47:51 **Vote:** Motion failed 6-13 by roll call vote with Rep. B. Brown, Rep. Doane, Rep. C. Knudsen, Rep. Manzella, Rep. Mortensen and Rep. Usher voting aye.

03:49:13 **Motion/Vote:** Rep. Court moved that **HB 206 BE TABLED**. Motion carried unanimously by voice vote.

EXECUTIVE ACTION ON HB 217

03:49:38 **Motion:** Rep. Berglee moved that **HB 217 DO PASS**.

Discussion:

03:49:43 Helen Thigpen, LSD
 03:50:01 Chair Doane
 03:50:05 Rep. Morigeau
 03:50:16 Rep. Wagoner

03:50:38 **Vote:** Motion carried unanimously by voice vote.

Committee Business:

03:51:00 Helen Thigpen, LSD

EXHIBIT(juh15a05)

ADJOURNMENT

Adjournment: 03:51:33

Sara Fleming, Secretary

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Additional Documents:

EXHIBIT([juh15aad.pdf](#))